

Appl. No. 09/648,405
Amendment Dated October 7, 2003
Reply to Office Action of July 7, 2003

REMARKS/ARGUMENTS

Claims 10-24 are pending. In the Office Action, the Examiner indicated that claims 10, 12, 13, and 15-17 were rejected, and claims 11 and 14 were objected to. The Examiner objected to the specification on the grounds that it did not include a claim for priority.

Objections to the Specification:

In the Office Action, the Examiner objected to the specification on the grounds that it did not include a claim for priority under 35 U.S.C. 119(e). The Examiner explained the objection as follows:

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Applicant has inserted new Paragraph [0000.1] to address the Examiner's objection. Applicant respectfully submits that these amendments do not add new matter and their entry is respectfully requested. Paragraph [0000.1] reads as follows:

[0000.1] This application is a regular application claiming priority of U.S. Provisional application serial no. 60/150,788 filed August 26, 1999.

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Applicant respectfully submits that the Examiner's objection is overcome by this amendment.

Objections to the Claims:

In the Office Action, the Examiner objected to Claims 11 and 14 as depending from a rejected case claim. Specifically, the Examiner stated the following:

Claims 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant submits that claims 11 and 14 as originally presented are allowable, as independent claim 10 is allowable. Solely in the interest of expediting prosecution, however, Applicant has added new Claims 18 and 24 incorporating the subject matter of Claims 11 and 14 in independent form. Applicant respectfully submits that these new claims do not add new matter and their entry is respectfully requested. As amended, Claims 18 and 24 read as follows:

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18. A computer drive securing system comprising:

a chassis, the chassis having at least one pinhole and at least one clip mounting feature formed as a part of the chassis; and

a securing clip having at least one securing pin and at least one flexible tab for engaging the pinhole and the clip mounting feature of the chassis, respectively, the securing pin projecting through the pinhole and engageable with a computer drive supported on the chassis for securing the computer drive to the chassis.

24. A computer drive securing system comprising:

a chassis, the chassis having at least one pinhole and at least one clip mounting feature; and

a securing clip having at least one securing pin formed integral to the securing clip and at least one flexible tab for engaging the pinhole and the clip mounting feature of the chassis, respectively, the securing pin projecting through the pinhole and engageable with a computer drive supported on the chassis for securing the computer drive to the chassis.

Rejections under 35 U.S.C. § 102:

In the Office Action, the Examiner rejected claims 10, 12, 13 and 15-17 under 35 U.S.C. § 102 as being anticipated by United States Patent Number 6,094,342 to Dague et al. Specifically, the Examiner stated the following:

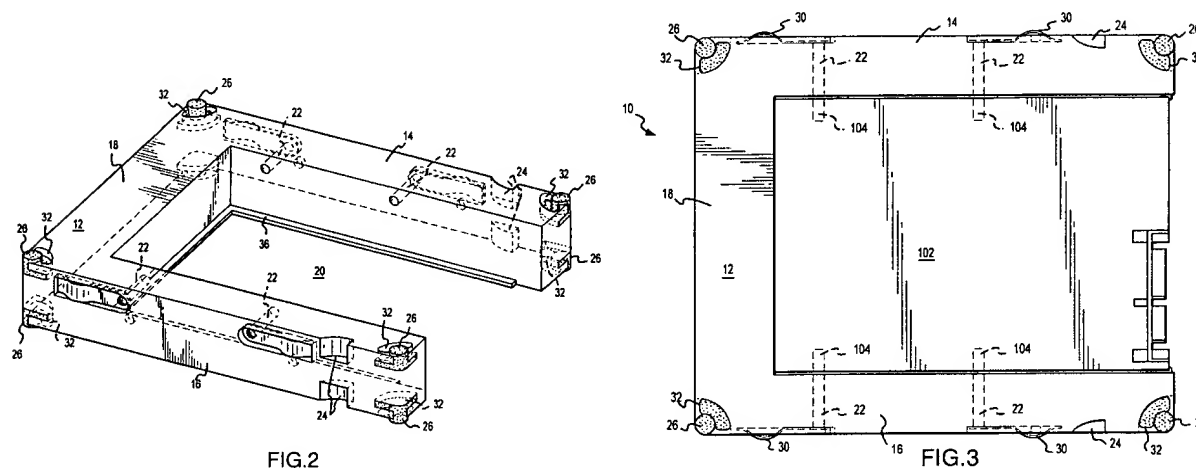
Claims 10, 12, 13, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,094,342 to Dague et al. Referring to claim 10, Dague et al. disclose a computer drive securing system comprising: a chassis (10), the chassis having at least one pin hole (22) and at least one clip mounting features (not numbered); and a securing clip (30) having at least one securing pin (not shown) and at least one flexible tab for engaging the pin hole and the clip mounting feature of the chassis, respectively, the securing pin projecting through the pin hole and engageable with a computer drive (120) supported on the chassis for securing the computer drive the chassis. See FIG. 3 and the corresponding specification.

Title 35 of the United States Code Section 102(e) provides as follows:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Figures 2 and 3 of the Dague reference, cited by the Examiner, depict the following:



The Dague reference describes these figures, in part, as follows:

FIGS. 2 and 3 depict a disk drive jacket 10 according to one preferred embodiment of the present invention, with and without disk drive units 102 installed, respectively. As shown in FIG. 2, the disk drive jacket 10 includes a generally U-shaped frame 12, having at least a first side 14, a second side 16 and a front 18, defining a frame interior 20 for receiving a disk drive unit 102. The frame 12 has an engagement mechanism, such as notches 24 along the first frame side 14 and the second frame side 16, to permit engaging of the frame 12 with the computer device bay retaining mechanism 106. Other embodiments may employ a retaining mechanism on the frame 12 and a corresponding engagement mechanism in the computer device bay 100. The retaining mechanism 106 may comprise any suitable structure configured to engage the engagement mechanism. For example, in the illustrated embodiment, where the engagement mechanisms comprise notches 24, the retaining

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mechanisms 106 may include, but are not limited to, spring loaded pins and spring loaded bearings. . .

Referring to FIG. 3, the first frame side 14 and second frame side 16 have through holes 22, to permit coupling of the frame 12 to a disk drive unit 102. Coupling is accomplished through conventional threaded fasteners or other suitable fastening means (not shown). Preferably, the through holes 22 are arranged to align with industrial standard mounting hole locations 104 in the disk drive unit 102. Referring to FIG. 2, a support member 36 is preferably disposed along the interior of the frame 12 to support a disk drive unit in a manner which positions the industrial standard mounting hole locations 104 adjacent to and aligned with the frame through holes 22.

Dague, col. 4, lines 1-46.

Upon a review of claims 10, 12, 13 and 15-17 in light of the Dague reference, Applicant respectfully submits that claims 10, 12, 13 and 15-17 are not anticipated by the Dague reference, as the Dague reference does not depict or describe each and every feature and limitation recited in claims 10, 12, 13 and 15-17.

In the interest of expediting prosecution, Applicant has added claims 18-29 to more fully describe and distinctly claim specific embodiments of Applicant's invention. Applicant respectfully submits that new claims 18-29 do not add new matter and their entry is respectfully requested.

CONCLUSION


Applicant has made a diligent effort to advance the prosecution of this application by canceling claims, amending claims and/or pointing out herein how the claims now presented distinguish patentably over the cited art. An early Notice of Allowance of claims 10-29 is, therefore, respectfully solicited. Applicant submits that no fees not enclosed herewith are due with

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this reply. If this is incorrect, the Examiner is authorized to charge any fees due to Gardere Wynne Sewell deposit account no. 07-0153.

Respectfully submitted,

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